

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

JUL 31 2008

William B. Guthrie
Clerk, U.S. District Court

By _____ Deputy Clerk

ROBERT MAXWELL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

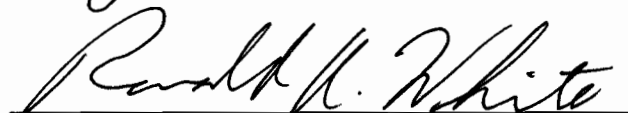
No. CIV 08-263-RAW-SPS

OPINION AND ORDER

On July 15, 2008, plaintiff, a federal prisoner who is incarcerated at the Federal Transfer Center in Oklahoma City, Oklahoma, filed this action as a "Petition for a Writ of Mandamus," alleging denial of "standard medical treatment for [] heel spurs, blood in rectum, and pain in groin area." [Docket #3 at 1]. The court construed the "petition" as a civil rights complaint, pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). [Docket #2].

After careful review, the court finds the acts or omissions of which plaintiff complains occurred in Oklahoma City, which is located in Oklahoma County in the Western District of Oklahoma. Because proper venue does not lie in this district, *see* 28 U.S.C. § 1391(b), plaintiff's complaint is dismissed without prejudice pursuant to 28 U.S.C. § 1406(a).

IT IS SO ORDERED this 31st day of July 2008.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE